

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CAROLINE ANGULO, et al.,

Plaintiffs,

v.

PROVIDENCE HEALTH &  
SERVICES – WASHINGTON, et al.,

Defendants.

CASE NO. C22-0915JLR

ORDER

Before the court are (1) the parties’ stipulated motion to extend the deadline for Defendants Providence Health & Services – Washington, Jason Dreyer, Jane Doe Dreyer, Daniel Elskens, and Jane Doe Elskens (collectively, “Defendants”) to respond to Plaintiffs Caroline Angulo, Eric Keller, Isabel Lindsey, Charles Lindsey, and Christine Bash’s (collectively, “Plaintiffs”) motion for class certification (Stip. Mot. (Dkt. # 126); *see also* Mot. to Certify (Dkt. # 118)), and (2) Plaintiffs’ motion for leave to file a third amended complaint and to substitute class representative Isabel Lindsey (Mot. to Amend

(Dkt. # 116)). The court exercises its discretion under Federal Rule of Civil Procedure 1 to decide Plaintiffs' motion for leave to amend before the noting date. *See* Fed. R. Civ. P. 1 (stating that the Federal Rules of Civil Procedure should be construed "to secure the just, speedy, and inexpensive determination of every action and proceeding"). The court has considered the parties' submissions, the relevant portions of the record, and the applicable law. Being fully advised, the court GRANTS the parties' stipulated motion for an extension of time and GRANTS Plaintiffs' motion for leave to amend.

The court first addresses the parties' stipulated motion before turning to Plaintiffs' motion for leave to amend. On December 11, 2023, the parties filed a stipulated motion to extend the deadline for Defendants to respond to Plaintiffs' class certification motion. (*See generally* Stip. Mot.; Mot. to Certify (noted for consideration on December 22, 2023).) In their joint motion, the parties agreed and stipulated as follows:

1. Defendants will not oppose Plaintiffs' motion for leave to amend and for substitution, and the filing of Plaintiffs' proposed Third Amended Complaint (subject to Court approval);

2. Plaintiffs agree (subject to Court approval) to extend the deadline for Defendants to respond to the Third Amended Complaint until the later of three weeks after filing and service of the Third Amended Complaint or January 12, 2024;

3. Plaintiffs agree to renote their Motion to Certify Class (currently noted for December 22, 2023) to January 19, 2024. Plaintiffs agree that Defendants shall have until January 12, 2024, to file responses to Plaintiffs' Motion to Certify Class.

(Stip. Mot. at 2.) The stipulated motion complies with all applicable requirements under the local and federal rules and the court sees no reason to deny the parties' requested relief. The court therefore GRANTS the parties' stipulated motion (Dkt. # 126) for an extension of time. The noting date for Plaintiffs' motion for class certification shall be extended to **January 19, 2024**. Defendants shall file their opposition to Plaintiffs' class

1 certification motion by no later than **January 12, 2024**. Plaintiffs shall file their reply by  
2 no later than **January 19, 2024**.

3 The court next addresses Plaintiffs' pending motion for leave to amend. In that  
4 motion, Plaintiffs seek the court's leave to file a third amended complaint, which:  
5 (1) clarifies that Plaintiffs seek injunctive relief on a class-wide basis under Federal Rule  
6 of Civil Procedure 23(b)(2) (Mot. to Amend at 3); (2) adds putative class members Kirk  
7 Summers and Eben Nesje as plaintiff representatives of the Providence classes (*id.* at  
8 4-5); (3) adds Martin Whitney and Raymond Sumerlin Jr. as plaintiff representatives of  
9 "the MultiCare subclass found at ¶ 6.2.3" of the complaint (*id.* at 5; *see also* 2d Am.  
10 Compl. (Dkt. # 80) ¶ 6.2.3 (defining the MultiCare non-settlement subclass)), and  
11 (4) makes other miscellaneous amendments to the complaint, for example by  
12 "clarify[ing], add[ing] and amend[ing] language correcting statutory citations and  
13 references" (Mot. to Amend at 4). (*See generally* Prop. 3d Am. Compl. (Dkt. # 116-1)  
14 (redlined).) Plaintiffs' motion also asks to substitute Mr. Whitney and Mr. Sumerlin Jr.  
15 in the place of Ms. Lindsey, who is the current plaintiff representative for the MultiCare  
16 subclass but who is currently pursuing settlement. (Mot. to Amend at 5.)


17 Federal Rule of Civil Procedure 15 provides that, where a party cannot amend as a  
18 matter of course, the party "may amend its pleading only with the opposing party's  
19 written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Here, Defendants  
20 stipulated in writing that they will not oppose the motion, which is sufficient under the  
21 rules. (Stip. Mot. at 2.) Accordingly, the court GRANTS Plaintiffs' unopposed motion

22 //

1 for leave to amend (Dkt. # 116). Plaintiffs shall file their third amended complaint<sup>1</sup> by no  
2 later than **December 22, 2023**. Defendants shall file their answer to the third amended  
3 complaint by no later than **January 12, 2024**.

4 In sum, the court GRANTS the parties' stipulated motion for an extension of time  
5 (Dkt. # 126) and GRANTS Plaintiffs' unopposed motion for leave to amend (Dkt. # 116).  
6 The Clerk is DIRECTED to re-note Plaintiffs' motion for class certification (Dkt. # 118)  
7 for **January 19, 2024**.

8 Dated this 11th day of December, 2023.

9   
10 JAMES L. ROBART  
United States District Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21 \_\_\_\_\_  
22 <sup>1</sup> The third amended complaint comprises the document found at Dkt. # 116-1, as  
modified by Plaintiffs' December 11, 2023 praecipe. (*See generally* Prop. 3d Am. Compl.  
(redlined); Praecipe (Dkt. # 125)).